

LIST OF CLAIMS:

1. (Currently Amended) A method of managing a data access system ~~for transferring~~ configured to transfer data over a communication network between a server system and a plurality of user sites ~~upon~~ in response to requests from said network browsers at the user sites and wherein at least a subset of said user sites comprise performance monitoring agents capable of calculating and transmitting performance data indicative of the data transfer performance of data access systems, said the method comprising the steps of:

monitoring a network browser of a first user site of the plurality of user sites to obtain performance data of the data access system, the performance data being indicative of a data transfer operation in the data access system performed in response to a network browser request initiated by a user of the first user site, the monitoring being controlled by a monitoring agent resident at the first user site;

transmitting data indicative of the monitored performance data from the monitoring agent;

receiving the data indicative of the performance data transmitted from said the performance monitor agents;

selecting a quantity of data received;

summarizing the quantity of data received; and

storing said the summarized quantity of data into a database.

2. (Original) The method of claim 1 wherein the quantity of data selected represents performance of the data access system for a specific time interval.

3. (Original) The method of claim 2 wherein the time interval is 15 minutes.

4. (Currently Amended) The method of claim 3 wherein the performance data includes a timestamp ~~means~~ identifying a time when the performance data was observed and wherein the ~~step of~~ selecting comprises collecting data that was observed during the same time interval.

5. (Currently Amended) The method of claim 1 further comprising, before ~~the receiving the performance data,; step, the steps of~~ receiving data indicative of the performance of a plurality of data access systems from said a plurality of performance monitoring agents disposed at the plurality of user sites; and filtering said data received to pertain to a selected data access system.
6. (Original) The method of claim 1 wherein the performance data is correlated to factors of interest.
7. (Original) The method of claim 1 wherein the server system comprises at least one HyperText Transfer Protocol (HTTP) server.
8. (Original) The method of claim 7 wherein the performance data comprises a summary of performance metrics for a HTTP page.
9. (Currently Amended) The method of claim 1 further including ~~the step of~~ using the stored summarized data as a basis for ascertaining quality of service conditions of said data access system.
10. (Currently Amended) The method of claim 1 further including ~~the step of~~ calculating further summarized data using said stored summarized data.
11. (Currently Amended) A performance management system for managing a data access system ~~for transferring~~ configured to transfer data over a communication network between a server system and a plurality of user sites ~~upon~~ in response to requests from said the user sites, and wherein at least a subset of said user sites comprise ~~performance monitoring agents capable of calculating and transmitting performance data indicative of the performance of data access systems, said the~~ performance management system comprising:

means for monitoring a network browser of a first user site of the plurality of user sites to obtain performance data of the data access system, the performance data being indicative of a data transfer operation in the data access system performed in response to a network browser request initiated by a user of the first user site, the monitoring means including a monitoring agent resident at the first user site configured to transmit data indicative of the performance data;

means for receiving the data indicative of the performance ~~of the data access system~~ transmitted from ~~said~~ the performance monitor agents;

means for selecting a quantity of data received;

means summarizing the quantity of data received;

means for storing ~~said~~ the summarized quantity of data into a database; and

means for utilizing ~~said~~ the stored summarized data as a basis for ascertaining quality of service conditions of ~~said~~ the data access system.

12. (Currently Amended) A performance management system that monitors data transferred between at least one remote site and at least one user site, comprising:

a network browser disposed on a first user site of the at least one user site and configured to browse the at least one remote site for transferring data between the at least one remote site and the first user site;

a client that resides on the first user site of the at least one user site and is configured to collect performance data ~~associated with the data received~~ indicative of a data transfer operation initiated by a network browser request from the network browser, the data transfer operation affecting data transfer between the first user site and ~~from the~~ at least one remote site; and

an agent in communication with the client and residing on the ~~at least one~~ first user site, the agent being adapted to create preliminary summary data of the performance data ~~retrieved from the at least one remote site, wherein the at least one remote site and the at least one user site do not need to acknowledge each other.~~

13. (Currently Amended) A performance management system that monitors data transferred between at least one remote site and at least one user site, comprising:

a network browser disposed on a first user site of the at least one user site and configured to browse the at least one remote site for transferring data between the at least one remote site and the first user site; and

~~a client that resides on the at least one user site and collects performance data associated with the data received from the at least one remote site, wherein the performance data is associated with individual web page object retrievals;~~

a client application associated with the client and residing on the first user site of the at least one user site, the client application comprising:

a data gathering module that is adapted to ~~capture at least the~~ collect performance data, wherein the performance data that is indicative of data transfer operations, that affect data transfer between the first user site and the at least one remote site, initiated by network browser requests initiated by a user of the first user site and that includes ~~corresponds to~~ at least communication data indicative of network statistics for data transfers and application data indicative of statistics of the network browser, the performance data being associated with individual web page object retrievals; and

an agent that is adapted to create preliminary summary data from at least the performance data, wherein the preliminary summary data includes summaries of at least the individual web page object retrievals from the at least one remote site, ~~wherein the at least one remote site and at least one user site do not need to acknowledge each other;~~ and

at least one ~~monitoring~~ server that ~~receives~~ is configured to receive the preliminary summary data from the client application.

14. (Previously Added) The performance management system according to claim 13, wherein the client application is adapted to simultaneously integrate with at least a network level interface and an application level interface.

15. Canceled.

16. (Currently Amended) The performance management system according to claim 13, wherein the client application is adapted to combine the ~~captured communication data and application~~ collected performance data into a single page performance record to ~~link the communication data and application data.~~

17. Canceled.

18. (Previously Added) The performance management system according to claim 13, wherein the received performance data is used to determine overall usage of a data access system.

19. (Previously Added) The performance management system according to claim 13, wherein the received performance data is used to ascertain a quality of service based on an aggregated end user response to a data access system.

20. (Previously Added) The performance management system according to claim 13, wherein the received performance data is used to analyze aggregated end user response based on actions taken within a data access system and wherein the aggregated end user response is used to infer end user behavior.

21. (Currently Amended) The performance management system according to claim 20, wherein the at least one server is configured to use the received performance data to produce reports of the received data ~~is used to generate graphical illustrations of aggregated end user response in combination with actual performance within a data access system.~~

22. (Currently Amended) The performance management system according to claim 13, wherein the client application is adapted to ~~queue a predetermined number of immediately preceding~~ buffer page performance measurements for transmission or internal assessment.

23. (Currently Amended) The performance management system according to claim 22, wherein the client application is adapted to transmit the ~~queued~~ buffered page performance measurements ~~when instructed by~~ in response to instruction from the at least one ~~monitoring~~ server or in response to the internal assessment.

24. (Previously Added) The performance management system according to claim 13, wherein the client application is adapted to respond to and transmit a configurable number of subsequent page performance measurements based on a set of received rules including a number of pages to transmit or a duration of time to transmit subsequent pages.

25. Canceled.

26. (Previously Added) The performance management system according to claim 13, wherein the client application is adapted to request and cache, for a configurable period of time, metrics associated with objects and load operations that correspond to the individual web page object retrievals from the at least one remote site.

27. (Previously Added) The performance management system according to claim 26, wherein the objects comprise graphical and non-graphical web page components.

28. (Previously Added) The performance management system according to claim 27, wherein the objects comprise images, plug-ins, page frames, applets and cascading style sheets associated with web pages and web frames.

29. (Currently Amended) The performance management system according to claim 13, wherein the client application is adapted to transmit predefined performance measurements based on instruction received from the ~~monitoring~~ at least one server.

30. (Previously Added) The performance management system according to claim 29, wherein the client application transmits the predefined performance

measurements based on metrics associated with at least one of objects and load operations that correspond to the individual web page object retrievals.

31. (Currently Amended) The performance management system according to claim 29, wherein the client application transmits the predefined performance measurements based on instructions received from the at least one ~~monitoring~~ server for selected objects that correspond to the individual web page object retrievals.

32. (Currently Amended) The performance management system according to claim 13, wherein the client application is adapted to perform network operations, including diagnostic tests based on instructions received from the at least one ~~monitoring~~ server.

33. (Previously Added) The performance management system according to claim 32, wherein the client application performs the network operations triggered by metrics associated with at least one of objects and load operations that correspond to the individual web page object retrievals.

34. (Currently Amended) The performance management system according to claim 32, wherein the client application performs the network operations triggered by instructions received from the at least one ~~monitoring~~ server for selected objects that corresponds to the individual web page object retrievals.

35. (Currently Amended) The performance management system according to claim 13, wherein the client application is adapted to respond to instructions received from the at least one ~~monitoring~~ server for a duration of time.

36. (Previously Added) The performance management system according to claim 35, wherein the client application responds to the instructions for the duration of time based on metrics associated with at least one of individual objects and load operations that correspond to the individual web page object retrievals.

37. (Currently Amended) The performance management system according to claim 35, wherein the client application responds to the instructions for the duration of time based on instructions received from the at least one ~~monitoring~~ server for selected objects that correspond to the individual web page object retrievals.

38. (Previously Added) The performance management system according to claim 13, wherein the client application is adapted to communicate with an end user via a graphical interface.

39. (Previously Added) The performance management system according to claim 38, wherein the client application initiates communication with the end user based on metrics associated with at least one of individual objects and load operations that correspond to the individual web page object retrievals.

40. (Currently Amended) The performance management system according to claim 38, wherein the client application initiates communication with the end user based on instructions received from the at least one ~~monitoring~~ server for selected objects that correspond to the individual web page object retrievals.

41. (Previously Added) The performance management system according to claim 13, wherein the client application is adapted to communicate with an end user via a graphical interface based on metrics associated with at least one of individual objects and load operations, wherein the metrics include at least one of an observed set of page performance measurements, wait times, subsequent number of page visits, geography, or domain abandonment.

42. (Currently Amended) The performance management system according to claim 13, wherein the at least one ~~monitoring~~ server is adapted to provide the agent with instructions associated with a selected object, wherein the instructions include at least one

of measurement requests, threshold values, user geography, user page identification, user Internet service provider, and user hardware.

43. (Currently Amended) The performance management system according to claim 13, wherein the at least one ~~monitoring~~ server is adapted to reply with instructions associated with selected objects including at least one of measurement requests, threshold values, and an aggregated set of received measurements from a subset of all agents of the at least one user site.

44. (Currently Amended) The performance management system according to claim 13, wherein the client application is adapted to retrieve and alter a current software version residing on the user site based on instructions from the ~~monitoring~~ server.

45. (Currently Amended) The performance management system according to claim 44, wherein the ~~monitoring~~ at least one server is adapted to determine and initiate software version alterations based on ~~agent-transmitted installation parameters including geography, version information, distribution tag, access speed, and a combination of metrics associated with performance data or user site hardware configurations.~~

46. (Currently Amended) The performance management system according to claim 13, wherein the at least one ~~monitoring~~ server is adapted to collect, aggregate, and display performance data associated with predefined individual objects measured by the agent.

47. (Currently Amended) The performance management system according to claim 13, wherein the at least one ~~monitoring~~ server is adapted to store, display and determine trends based on performance data that is associated with individual objects measured by the agent.

48. (Currently Amended) The performance management system according to claim 13, wherein the at least one ~~monitoring~~ server is adapted to collect and aggregate performance data for comparison to predefined performance based threshold settings.

49. (Currently Amended) The performance management system according to claim 13, wherein the at least one ~~monitoring~~ server is adapted to create, store, and evaluate performance thresholds settings based on at least one of metric values, metric value percentage differences, direct metric comparison with other metrics, historical metric values, and metric value rate of change calculations.

50. (Currently Amended) The performance management system according to claim 13, wherein the at least one ~~monitoring~~ server is adapted to monitor performance threshold settings and, if predetermined values are exceeded, provide automated user indications ~~including at least one of email alerts, pager alerts, user interface notifications, and network level diagnostic operations.~~

51. (New) The method of claim 1 wherein the data transfer operation includes a stop data transfer request initiated by the user of the first user site.